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Attorneys for Plaintiff

**FILED**  
Clerk  
District Court

**JAN 26 2006**

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN MARIANA ISLANDS**

ANGELO M. LABORCE,

Plaintiff,

v.

S-WON INC., P&S, INC., YOUNG  
KYUN KIM, JOHN GERALD  
PANGELINAN, DANIEL MUNA  
QUITUGUA, DARREL MUNA  
QUITUGUA and JOE CRISOSTOMO,

Defendants.

Civil Action No. 05-0036

**DECLARATION OF  
ERIC S. SMITH  
IN SUPPORT OF  
MOTION FOR ENTRY OF  
DEFAULT  
(JOHN GERALD PANGELINAN)**

**Date:** N/A  
**Time:** N/A  
**Judge:** Alex Munson

I, ERIC S. SMITH, declare that if called as a witness, I would competently testify to the following:

1. That I am one of the attorneys for Plaintiff in the above entitled action.
2. That on November 8, 2005, Plaintiff filed the Complaint in this case.
3. That on November 9, 2005, Defendant John Gerald Pangelinan, was served with the Summons and Complaint by U.S. mail, postage prepaid, return receipt requested and addressed to: the Federal Detention Center, Victorville USP, PO Box 5000, Adelanto, CA, 92301. A copy of the Declaration of Service is attached hereto as Exhibit "A".



AO 440 (Rev. 10/93) Summons in a Civil Ac

# United States District Court

DISTRICT OF

ANGELO M. LABORCE

## SUMMONS IN A CIVIL CASE

V.

CASE NUMBER: CV 05 - 0036

S WON, INC., P&S, INC., YOUNG  
KYUN KIM, JOHN GERALD PANGELINAN,  
DANIEL MUNA QUITUGUA, DARRELL MUNA  
QUITUGUA and JOE CRISOSTOMO

**COPY of  
Original Filed  
on this date**

TO: (Name and address of defendant)

JOHN GERALD PANGELINAN  
Saipan MP 96950

**Clerk  
District Court  
For The Northern Mariana Islands**

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

SMITH & WILLIAMS  
PO BOX 5133 CHRB  
Saipan MP 96950


an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

NOV - 8 2005

GALO L. PEREZ

CLERK

DATE

  
(BY) DEPUTY CLERK

— EXHIBIT "A" —

## RETURN OF SERVICE

Service of the Summons and Complaint was made by me <sup>1</sup>

DATE

11/9/05

NAME OF SERVER (PRINT)

MARIA GRACIA N. BOONGALING

TITLE

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served: \_\_\_\_\_
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left: \_\_\_\_\_
- ☐ Returned unexecuted: \_\_\_\_\_
- ☒ Other (specify): SENT THE DOCUMENTS VIA CERTIFIED MAIL, POSTAGE PREPAID, RETURN RECEIPT REQUESTED, TO DEFENDANT AT THE FOLLOWING ADDRESS:  
FEDERAL DETENTION CENTER, VICTORVILLE USP, PO BOX 5000,  
ARLINGTON, CA 92301 (SEE ATTACHED)

## STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

Date


11/10/05

Signature of Server

PO Box 5133 CHRB SAIPAN MP 96950  
Address of Server

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.



	
7000 1670 0001 2880 7146	
7000 1670 0001 2880 7146	
<b>U.S. Postal Service</b> <b>CERTIFIED MAIL</b> (Domestic Mail Only; No Ins.)	<b>OFFICE</b>
Sent To: <b>JOHN GERALD</b> Street, Apt. No., or PO Box No.: <b>PO Box 5000</b> City, State, ZIP+4: <b>Adelanto CA 9</b>	Postage \$ Certified Fee \$ Return Receipt Fee (Endorsement Required) \$ Restricted Delivery Fee (Endorsement Required) \$ Total Postage & Fees \$

**SMITH & WILLIAMS**  
 ATTORNEYS-AT-LAW  
 P.O. BOX 5133 CHR  
 SAIPAN, MP 96950

**TO** John Gerald Pangelinan  
 Inmate No. 00460-005  
 Federal Detention Center  
 Victorville USP  
 PO Box 5000  
 Adelanto CA 92301

Legal Mail, Open In the Presence of  
 Inmate Only

<b>SENDER:</b> ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: JOHN GERALD PANGELINAN Inmate No. 00460-005 Federal Detention Center Victorville USP PO Box 5000 Adelanto CA 92301		4a. Article Number 7000 1670 0001 2880 7146	
5. Received By: (Print Name) WILLIAMS		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
6. Signature: (Addressee or Agent) X [Signature]		7. Date of Delivery 11-16-05	
		8. Addressee's Address (Only if requested and fee is paid)	

Is your RETURN ADDRESS completed on the reverse side?

PS Form 3811, December 1994

102595-97-B-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.